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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/828,022	03/27/97	SAFFARIAN	A 70-96-005

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EXAMINER

RODRIGUEZ, D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/20/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/828,022

Applicant(s)
Amir M. Saffarian

Examiner
Douglas X. Rodriguez

Group Art Unit
2876



☒ Responsive to communication(s) filed on Jun 14, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11 and 13-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11 and 13-30 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Continued Prosecution Application

1. The request filed on June 14, 1999 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/828,022 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Foudos U.S. Patent No. 4,053,735.

Foudos discloses a pocket-size personal check encoder comprising: a keypad (42) having a plurality of alphanumeric keys operable to receive a check amount from the user; a display (52) coupled to the keypad and operable to display the check amount entered by the user; and a check encoder coupled to the keypad and the display operable to receive the check amount from the keypad and encode the check amount in a machine readable format at a predetermined location on a check (column 4, lines 19-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 27, 29-30 drawn to the system and claims 6-10, 13-18 drawn to the method are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. U.S. Patent No. 5,053,607 in view of Teradaira et al. U.S. Patent No. 5,789,727.

Carlson discloses an automated system for encoding on the face of a check at a POS. comprising: a POS register operable to determine a transaction amount; an input device coupled to the POS and operable to receive the transaction amount and determine a check amount in response to receiving an input from user; and a check encoder coupled to the POS register and the input device and operable to receive the check amount and encode the check amount in a machine readable format (column 9, lines 61-68 and column 10, lines 1-53).

Carlson differs from the claimed invention in that it fails to disclose that the check amount is encoded on a MICR line of the check.

Teradaira teaches such claimed limitation. Teradaira discloses an integrated processing apparatus comprising both an MICR reader and a printer. The apparatus therefore has the capability of encoding the amount of the check on a MICR line (column 30, lines 28-68). To

1 encode the amount of the check on a MICR line of the check, would have been obvious to one
2 of ordinary skill in the art at the time of the invention. This would have been done with the
3 purpose of expediting the reading, verification and endorsing process of a check since a single
4 machine is used.

5 Regarding claims 3 and 27, wherein it is claimed that the input device comprises a
6 keypad having a plurality of numeric and functions keys, Carlson teaches such claimed
7 limitations (column 5, lines 41-57).

8 As for claims 4 and 30, Carlson also discloses a display operable to display a preview
9 of information to be printed and encoded on the check (28, 29).

10 Regarding claims 5, 10 and 18, Carlson also teaches the claimed limitation of receiving
11 a blank check (column 6, lines 38-40).

12 Carlson also teaches the claimed limitation of printing a payee name on the face of the
13 check and at a predetermined location on the check, printing a numeric check amount at a
14 predetermined location and printing the check amount in words at a predetermined check
15 amount word location on the check (column 10, 48-53).

16
17 6. Claim 2 drawn to the system and claim 11 drawn to the method are rejected under 35
18 U.S.C. 103(a) as being unpatentable over Carlson et al. U.S. Patent No. 5,053,607 in view of
19 Teradaira et al. U.S. Patent No. 5,789,727 as modified by Holt U.S. Patent No. 5,097,517.

Carlson in view of Teradaira have been discussed above, they differ from the claimed invention in that they fail to disclose that the check encoder comprises a magnetic ink encoder operable to encode the check amount in magnetic ink.

Holt teaches such claimed limitation. Holt discloses an apparatus and method for processing bank checks wherein an MICR printer (339) is disclosed. Magnetic ink printers are notoriously well known and commonly used in the art. To adapt a magnetic ink encoder to Carlson's system would have been obvious to one of ordinary skill in the art at the time of the invention. This would have been done with the purpose of encoding machine readable information on a document that facilitates its automatic handling. Furthermore magnetic ink makes it more difficult to counterfeit documents.

7. Claims 20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foudos U.S. Patent No. 4,053,735.

Foudos has been discussed above, it differs from the claimed invention in that it fails to specifically disclose the presence of a memory coupled to the check encoder operable to store and recall a list of payee names. Foudos does however disclose the presence of several memories as well as a display. Devices comprising memory means that store and recall names are notoriously well known and commonly used in the art, an example of such devices are electronic organizers. Therefore, to simply adapt one of the memories disclosed by Foudos so

1 that it stores and recalls a list of payee names, would have been obvious to one of ordinary
2 skill in the art at the time of the invention. This would have been done with the purpose of
3 creating a device that allows the user to keep an accurate record of all transactions.

4 Regarding claims 24 and 25, wherein it is claimed that the check encoder is operable to
5 print the check amount alphabetically in an alphabetical amount field, Foudos fails to disclose
6 such limitation. However, as discussed above, Foudos is capable of printing the numerical
7 amount on the check. Therefore, to modify the device so that it has the capability of
8 performing the claimed limitation, would have been an obvious expedient to one of ordinary
9 skill in the art at the time of the invention. This would have been done with the purpose of
10 providing a system that simplifies the verification process between the numeric and the
11 alphanumeric amount.

12 As for claim 26, wherein it is claimed that the check is a blank check, Foudos meets
13 such claimed limitation (column 4, lines 20-30).

14
15 8. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over
16 Foudos U.S. Patent No. 4,053,735 in view of Holt U.S. Patent No. 5,097,517

17 Foudos has been discussed above, it differs from the claimed invention in that it fails to
18 teach the presence of a check encoder that comprises a magnetic ink encoder operable to
19 encode the check amount in magnetic ink.

1 Holt teaches such claimed limitation. Holt discloses a banking apparatus for reading
2 numeric information on bank checks, drafts and like documents. The apparatus comprises a
3 printer (339) capable of encoding a check amount in magnetic ink (column 5, lines 45-50 and
4 column 6, lines 50-63). To adapt a magnetic ink encoder to Foudos' apparatus would have
5 been obvious to one of ordinary skill in the art at the time of the invention. This would have
6 been done with the purpose of encoding on the check, machine readable information that will
7 facilitate its automatic handling. Furthermore, encoding the check with magnetic ink makes it
8 more difficult to counterfeit the document.

9
10 *Response to Arguments*

11 9. Applicant's arguments with respect to claims 1-11 and 13-26 have been considered but
12 are moot in view of the new ground(s) of rejection.

13
14 *Conclusion*

15 10. The prior art made of record and not relied upon is considered pertinent to applicant's
16 disclosure.

17 Funk U.S. Patent No. 5,832,463. Discloses an automated system and method for checkless
18 check transaction.

1 Funk et al. U.S. Patent No. 5,801,366. Discloses an automated system and method for POS
2 check processing.

3 Templeton et al. U.S. Patent No. 5,679,938. Discloses method and systems for interactive
4 check authorization.

5 Hills et al. U.S. Patent No. 5,484,988. Discloses a check writing POS system.

6 Nair et al. U.S. Patent No. 5,444,616. Discloses a financial transaction systems and methods
7 utilizing a multi-reader transaction terminal.

8 Holt U.S. Patent No. 5,208,869. Discloses a character and pattern recognition machine and
9 method. (Magnetic ink printer)

10 Wright U.S. Patent No. 5,044,668. Discloses a check checking system.

11 Stone et al. U.S. Patent No. 4,851,655. Discloses a check positioning system for use in an
12 automatic check printing apparatus. (Magnetic ink printer).

13 Carlson et al. U.S. Patent No. 4,758,714. Discloses a POS mechanism.

14
15 11. Any inquiry concerning this communication or earlier communications from the
16 examiner should be directed to Douglas X. Rodriguez whose telephone number is (703) 308-
17 4081.

1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
2 supervisor, Donald T. Hajec, can be reached on (703) 308-4075. The fax phone number for
3 this Group is (703) 308-7723.

4 Communications via Internet e-mail regarding this application, other than those under
5 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and
6 should be addressed to [don.hajec@uspto.gov].

7 All Internet e-mail communications will be made of record
8 in the application file. PTO employees do not engage in Internet
9 communications where there exists a possibility that sensitive
10 information could be identified or exchanged unless the record
11 includes a properly signed express waiver of the confidentiality
12 requirements of 35 U.S.C. 122. This is more clearly set forth in
13 the Interim Internet Usage Policy published in the Official
14 Gazette of the Patent and Trademark on February 25, 1997 at 1195
15 OG 89.

16 12. If the applicant wishes to send a fax transmission which may be intended as non-official for
17 consideration by the examiner for interviews or other purposes, the fax should be clearly marked:

18 1.) "DRAFT" and/or "COURTESY COPY" on the fax cover sheet along with a statement
19 "DELIVER DIRECTLY TO EXAMINER", and

20 2.) Should be unsigned by the attorney or agent.

21 This will ensure that such an un-official fax transmission will not be entered into the application.

Serial Number: 08/828,022

Applicant(s): Amir M. SAFFARIAN

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Art Unit: 2876

Representative: Wei Wei JEANG

1 Papers related to the application may be submitted to Technology Center 2800 by fax
2 transmission. Papers should be faxed to Technology Center 2800 via the PTO Fax machine
3 located in Crystal Plaza 4. The form of such papers must conform with the notice published in
4 the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine numbers are:
5 (703) 308-7722, (703) 308-7724, (703) 308-7382, (703) 305-3431, and 305-3432.

6
7 Any inquiry of a general nature or relating to the status of this application should be
8 directed to the Group receptionist whose telephone number is:
9 (703) 308-0956.

10
11
12
13 *Douglas X. Rodriguez*

14 Douglas X. Rodriguez

15 Patent Examiner

16 GAU 2876

17 July 19, 1999

Donald Hajec
Donald Hajec
Supervisory Patent Examiner
Technology Center 2800